



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/768,360

01/25/2001

Yoshinobu Nakamura

122.1431

3644

21171

7590

08/30/2005

STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

LEE, CHRISTOPHER E

ART UNIT

PAPER NUMBER

2112

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,360

Applicant(s)

NAKAMURA, YOSHINOBU

Examiner

Christopher E. Lee

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Receipt Acknowledgement

1. Receipt is acknowledged of the After Final Amendment filed on 14th of July 2005. Claim 4 has been amended; no claim has been canceled; and claim 9 has been newly added since the RCE[2] Final Office Action was mailed on 14th of April 2005.
2. Receipt is acknowledged of the request filed on 15th of August 2005 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on the Application No. 09/768,360, which the request is acceptable and an RCE has been established. Currently, claims 1-9 are pending in this Application.

Examiner's Notice

3. The Amendment document in the Response is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (*See 68 Fed. Reg. 38611*, Jun. 30, 2003). In fact, the claim status of the claim 4 is not (currently presented), but (previously presented). See MPEP 714 [R-2] and 37 CFR 1.121(c).

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1, 2, 4, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Berglund et al. [US 6,427,176 B1; hereinafter Berglund].

Referring to claim 1, Berglund discloses a peripheral unit management system (i.e., an apparatus for maintaining system labeling; See col. 1, lines 21-23) to manage a plurality of peripheral units (i.e., maintaining system labeling for subsystems A-F and C'-E' in Fig. 1) using a peripheral unit manager (i.e., OS 101, Service Processor 103, and SPCN 107 in Fig. 1) via a network (i.e., I2C bus in Fig. 1; See col. 10, lines 17-26), wherein said peripheral unit manager (i.e., OS, SP and SPCN) stores property information (e.g., PART # within table 3 in Fig. 2A) and address information (e.g., HARDWIRED

ADDR. within table 3 in Fig. 2A) corresponding to each peripheral unit (See col. 5, lines 22-25; in fact, SPCN (i.e., peripheral unit manager) establishes (i.e., stores) a reference table (i.e., property information and address information) corresponding to each subsystem (i.e. peripheral unit)), comprising:

- a reading unit (i.e., means for retrieving by SPCN 107 in Fig. 1) reading (i.e., retrieving) said property information and said address information from each of said peripheral units (See col. 6, lines 5-13);
- a determining unit (i.e., means for querying by SPCN 107 in Fig. 1) determining (i.e., querying) that one of said peripheral units has been replaced when said property information read does not coincide with said property information (i.e., PART #) stored in said peripheral unit manager (i.e., a different part number from the part number in the reference table is detected at the known hardwired address; See col. 10, line 65 through col. 11, line 6), and when detecting that said address information (i.e., HARDWIRED ADDR.) of one of said peripheral units is new (i.e., new subsystem is plugged at the known hardwired address; See col. 10, lines 40-46), and
- an obtaining unit (i.e., means for hot-plugging with SPCN 107 in Fig. 1; See col. 8, lines 13-22) obtaining said new address information (i.e., hardwired address, hardware resource information,) of said one of said peripheral units (See col. 10, lines 40-46) when said determining unit (i.e., means for querying by SPCN) determines (i.e., queries) that said one of said peripheral units has been replaced, and, when said property information (i.e., PART #) read does not coincide with said property information (i.e., PART #) stored in said peripheral unit manager (i.e., a different part number from the part number in the reference table is detected at the known hardwired address), storing said property information read and said new address information of said one of said peripheral units (See col. 11, lines 15-25; i.e., wherein in fact that the new part number or numbers are written into table A in place of the old part number or numbers of the device or

devices replaced inherently anticipates the step of storing said property information read and said new address information of said one of said peripheral units).

Referring to claim 2, Berglund teaches each peripheral unit (i.e., subsystem in Fig. 1) comprises

- a main body (e.g., backplane; See col. 6, line 9) having a first recording medium (i.e., VPD chip in said subsystem in Fig. 1; See col. 8, lines 43-44) to record said property information (i.e., PART #; See col. 8, lines 45-47), and
- a board (e.g., card device) having a second recording medium (i.e., memory disposed on said card device; See col. 7, lines 56-58) to record said address information (i.e., HARDWIRED ADDR), wherein said board (i.e., card device) is inserted to and removed from said main body (See col. 7, lines 58-59) and performs a connecting function to said network (i.e., I2C network in Fig. 1) to enable each peripheral unit to transmit said property information and said address information over said network (See col. 7, lines 59-61), and when said board (i.e., card device) is replaced (See col. 12, lines 12-15), said management system (i.e., operating system) reads (i.e., retrieves) said property information and said address information (i.e., querying reference table; See col. 10, line 65 through col. 11, line 6) and determines whether or not said main body (i.e., backplane) of said peripheral unit (i.e., subsystem) has been replaced (See col. 10, lines 40-46; i.e., wherein in fact that SPCN recognized when subsystems C and D have been removed and new subsystem C' has been plugged (i.e., card devices and backplane within said subsystem C has been replaced by new subsystem C'), and can report this immediately to the operating system clearly anticipates said management system (i.e., OS) determines whether or not said main body (i.e., backplane) of said peripheral unit (i.e., subsystem) has been replaced).

Referring to claim 4, the method steps of claim 4 are inherently performed by the apparatus of claim 1, and therefore the rejection of claim 1 applies to claim 4.

Referring to claim 5, the method steps of claim 5 are inherently performed by the apparatus of claim 2, and therefore the rejection of claim 2 applies to claim 5.

Referring to claim 8, Berglund teaches said property information (i.e., PART # within table 3 in Fig. 2A) comprising

- a serial number (i.e., part number) of said corresponding peripheral unit (See the definition of the serial number in the specification page 9, lines 5-9; in fact, said serial number is anticipated by the part number of the Berglund).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berglund [US 6,427,176 B1] as applied to claims 1, 2, 4, 5, and 8 above, and further in view of another embodiment of Berglund in the prior art of record.

Referring to claim 3, Berglund discloses all the limitations of the claim 3 including each peripheral unit (i.e., subsystem in Fig. 1) comprising

- a main body (i.e., chassis FRU) and a board (i.e., chassis FRU component; e.g., card device on backplane) having a first recording medium (i.e., VPD memory) to record said property information (i.e., part number; See col. 8, lines 45-56) and

- a second recording medium (i.e., memory disposed on card device; See col. 7, lines 56-58) to record said address information (i.e., unique location information - HARDWIRED ADDR.), wherein
 - said board (e.g., card device) is inserted to and removed from said main body (See col. 7, lines 58-59; i.e., said card device on backplane could be inserted to and removed from said body) and performs a connecting function to said network (i.e., I2C network in Fig. 1) to enable each peripheral unit to transmit said property information and said address information over said network (See col. 7, lines 59-61), and
 - when said board (i.e., said card device) is replaced (See col. 12, lines 12-15), said management system (i.e., operating system) reads new property information (e.g., model number of said replaced card device) and new address information (i.e., hardware address in reference table for said replaced card device) recorded in said second recording medium (i.e., querying reference table; See col. 10, line 65 through col. 11, line 6), and determines whether or not said main body (i.e., chassis FRU) of said peripheral unit (i.e., subsystem) has been replaced (See col. 10, lines 40-46; i.e., wherein in fact that SPCN recognized when subsystems C and D have been removed and new subsystem C' has been plugged (i.e., card devices and backplane within said subsystem C has been replaced by new subsystem C'), and can report this immediately to the operating system clearly shows said management system (i.e., OS) reads said serial number and said ID number and determines whether or not said main body (i.e., backplane) of said peripheral unit (i.e., subsystem) has been replaced),

except that does not teach said management system reads said property information has been set by an operational panel or said peripheral unit.

However, Berglund further shows

- a management system (i.e., operating system) reads property information (e.g., peripheral device information) has been newly set by an operational panel (i.e., manually entered) of a peripheral unit (See col. 1, lines 34-47) in the Background (i.e., another embodiment) and reads new address information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said means for entering serial number, as disclosed in the Background information of Berglund, in said system, as disclosed by Berglund, since it would have allowed for greater flexibility to said system assigning said serial number to said main body, which do not have an automatic configuration feature (See Berglund, col. 1, lines 48-53).

Referring to claim 6, the method steps of claim 6 are inherently performed by the apparatus of claim 3, and therefore the rejection of claim 3 applies to claim 6.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berglund [US 6,427,176 B1] in view of what was well known in the art, as exemplified by Luo et al. [US 6,265,885 B1; hereinafter Luo].

Referring to claim 7, most of the claim limitations have already been discussed/addressed with respect to claim 4, with the exception of a recording medium readable by a computer and used for said peripheral unit management method, and said medium having a program recorded thereon to make the computer execute said method steps (e.g., memory having a computer software program).

The Examiner takes Official Notice that said method in the claim 4 being implemented in computer executable program for instructing a computer (i.e., a computer software program), and being stored in a recording medium readable by a computer (i.e., memory), is well known to one of ordinary skill in the art, as evidenced by Luo (See Claim 9, lines 2-4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have implemented said method of the claim 4 in said computer executable program for instructing a computer (i.e., a computer software program), and being stored in a recording medium readable by a computer (i.e., memory) since it would have provided a better flexibility of implementing said method than a hardware implementation, such as an easy modification, etc.

However, the recitation in the claim 7, that “a recording medium readable by a computer and used for said peripheral unit management method, and said medium having a program recorded thereon to make the computer execute said method steps” has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *See Kropa v. Robie, 88 USPQ 478 (CCPA 1951).*

Allowable Subject Matter

9. Claim 9 is allowed.

10. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 9, the claim limitations are deemed allowable over the prior art of record as the prior art fails to teach or suggest that storing data being accumulated in for the peripheral unit with the new address information of the one of the peripheral units after setting the property information to correspond to the new address information when the property information read does coincide with the property information stored in the peripheral unit manager.

Response to Arguments

11. Applicant's arguments filed on 14th of July 2005 had been fully considered/discussed in the Advisory action mailed on 26th of July 2005 but they were not persuasive.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shiohara [US 6,804,019 B2] discloses print data generation system and corresponding method for use with a printing system.

Gase et al. [US 5,580,177 A] disclose printer/client network with centrally updated printer drivers and printer status monitoring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Lee whose telephone number is 571-272-3637. The examiner can normally be reached on 9:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher E. Lee
Examiner
Art Unit 2112

CEL/

